IN THE HIGH COURT OF JUDICATURE AT BOMBAY
SIDE JURISDICTION
CRIMINAL WRIT PETITION NO.540 OF 2007

Farooq Ahmed Iqbal Hussain Shaikh ...Petitioner.
V/s.
1.Sr.Inspector & Ors. ...Respondents.

Shri M.S.Kumthekar, adv. for the Petitioner.
Mr.D.P.Adsule, APP for the Respondent/State.

CORAM: J.H.BHATIA, J.
DATE : 4th May, 2007.

P.C.:

1. Heard Mr.Kumthekar the learned counsel for the Petitioner and Mr.Adsule the learned APP for the State.

2. Admittedly police of Shanti Nagar Police Station, Bhiwandi seized property shown as article nos.1 to 13 in paragraph 5 of the petition during the raid on the allegations that the present petitioner was running gambling in the premises of Adarsh Social Welfare Society and the offences under Sections 4 and 5 of Bombay Gambling Act came to be registered against him. He filed application for return of the said property. Application was opposed on behalf of the prosecution. After hearing the learned counsel, the learned J.M.F.C., Bhiwandi directed to return item nos.10,11 and 12, being one iron table, 35 plastic chairs and 3 round tables with three stand on the petitioner executing bond.

Prayer for return of the remaining property came to be rejected. Therefore, petitioner has filed this writ petition challenging the order passed by IVth J.M.F.C., Bhiwandi to the extent of rejection of application in respect of articles 1 to 9 and 13.

3. After perusal of the list of the property, it appears that item nos. 1 to 4 are the registers and the record of Adarsh Social Welfare Society and article nos.7, 8 and 9 are the rubber stamps of the said society. Remaining articles are pen, wall clock and amount of Rs.25,150/- which were seized by the police at the time of raid. The learned counsel for the petitioner contends that the record is necessary for the functions of the society. On the other hand, Mr.Adsule the learned APP on instructions from Investigating Officer contends that in the name of the society only gambling is run and, therefore, property should not be returned. The learned counsel for the petitioner has shown me copies of the registration of the society. It appears that it has no property or amount and prima-facie the society appears to be fake. Taking into consideration these circumstances, in my opinion, it will not be desirable to return the properties, being article nos.1 to 9 and 13, which were seized at the time of raid by the police. All this property will be

required for the purpose of proving the offences. Therefore, I find no fault with the order passed by the trial Court. There is no substance in the writ petition.

4. Writ Petition stands dismissed summarily.

(J.H.Bhatia,J.)